IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

WP(C).No. 28492 of 2007(P)

PETITIONER:

PONGA MILK PRODUCERS CO-OPERATIVE SOCIETY LTD., NO.1.161(D)APCOS, PONGA P.O., ALAPPUZHA DISTRICT, REPRESENTED BY ITS PRESIDENT E.D.CHANDRADAS.

BY ADV. SRI.K.R.B.KAIMAL (SR.)
SRI.ANIL K.NAIR
SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN
SRI.PRAMJI PAUL VAZHAPPILLY
SRI.V.VENUGOPAL

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETAY TO GOVERNMENT, AGRICULTURE(DAIRY)DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT, ALAPPUZHA.**

3. **SMT.K.SHEELA, KURUPPASSERY, NEDUMUDY P.O., ALAPPUZHA DISTRICT.**

R1 BY GOVERNMENT PLEADER ANU SIVARAMAN
R2 BY ADV. SRI.T.R. HARIKUMAR
ADV. SRI.P.N.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE ENQUIRY REPORT DT.23.11.1994.

EXT.P2: COPY OF THE SHOW CAUSE NOTICE DATED 3.12.94 ISSUED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXT.P3: COPY OF THE REPLY DATED 12.12.1994 SUBMITTED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P4: COPY OF THE ORDER DATED 29.12.2004 ISSUED BY THE PETITIONER.

EXT.P5: COPY OF THE APPEAL(PETITION) DATED 9.2.2004 FILED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P6: COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED NIL OCTOBER 2004.

EXT.P7: COPY OF THE ARGUMENT NOTE DATED 3.3.2005 SUBMITTED BY THE PETITIONER'S COUNSEL BEFORE THE 2ND RESPONDENT.

EXT.P8: COPY OF THE ORDER DATED 20.7.2005 ISSUED BY THE 2ND RESPONDENT.

EXT.P9: COPY OF THE APPEAL PETITION DATED 31.8.2005 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P10: COPY OF THE ORDER G.O.(RT) No.1519/2007/AD DATED 10.8.2007 ISSUED BY THE 1ST RESPONDENT.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

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W.P.(C).No.28492 of 2007

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Dated this the 24th day of October, 2007

JUDGMENT

Applying the decision of **Prakasini v. Joint Registrar (2006 (1) KLT 199)** by the Division Bench of this Court in **Raveendran v. State of Kerala (2007 (3) KLT 558)** affirming all dispute arising in connection with the employment of the officers and servants of the different classes of societies are the matters that fall within the exclusive jurisdiction of the Co-operative Arbitration Court, after coming into force of the Amending Act, with effect from 2.1.2003. Therefore the Joint Registrar is not the authority to decide on the complaint of the third respondent. The third respondent or the employer society would be deprived of further statutory remedies including before the Co-operative Tribunal if the provisions of Section 69 are bypassed. Not only that a full and final adjudication, as intended by the Legislature by enacting Section 69, would stand defeated.

2. In view of the above, no useful purpose would be served by continuing Exts.P8 and P10 to be on record. Those

decisions have to go at the earliest to pave way for consideration of the third respondent's complaint as a dispute, under Section 69.

3. In the result, Exts.P8 and P10 are quashed and it is directed that the second respondent will transmit the complaint of the third respondent, referred to in Ext.P8 to the competent Co-operative Arbitration Court which shall be treated it as a dispute under Section 69 of the Kerala Co-operative Societies Act and decide upon it, in terms of that provision and the relevant rules, in accordance with law, after affording sufficient opportunity to the parties to place pleadings and evidence. Such proceedings shall be finalised and orders issued within an outer limit of four months since the third respondent's complaint was made way back to 09.02.2004. It is clarified that all other questions are left out.

The writ petition is allowed as above.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs